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 JOSE ARTEAGA AND AMADOR ARTEAGA

UNITED STATES DISTRICT COURT  
 FOR NORTHERN DISTRICT OF CALIFORNIA

DANIEL PEREZ, ET AL,

Plaintiffs,

vs.

ARTEAGA'S STARLITE SUPERMARKET,  
 ET AL,

Defendants

Case No.: C05-04665JF (RS)

STIPULATION TO CONTINUE INITIAL  
 ADR DEADLINE & [~~PROPOSED~~] ORDER

1 Plaintiffs and defendants, through their respective counsel, hereby stipulate as follows:

2 1. In this wage and hour class action, plaintiffs seek to represent all employees hired  
3 over last four years at the various stores doing business under the name of Arteaga's Starlite  
4 Supermarket.

5 2. On June 1, 2006, plaintiffs filed their First Amended Complaint, adding four new  
6 defendants, Engelberto Arteaga, Jose Arteaga, Amador Arteaga and Alfonso Quintana.

7 3. By July 25, 2006, defendants Engelberto Arteaga, Jose Arteaga, Amador Arteaga  
8 have filed their answers.

9 4. Defendant Alfonso Quintana, the only defendant who has not appeared, was  
10 served on July 11, 2006. Based on an earlier conversation between Alfonso Quintana's attorney  
11 Dominic Libonati and plaintiffs' counsel, on August 22, 2006, Mr. Libonati sent plaintiffs'  
12 counsel certain documents, requesting that his client be dismissed from this case. Plaintiffs'  
13 counsel agreed to grant an extension for defendant Quintana to file an answer while plaintiffs  
14 consider his dismissal request. Despite the extension to file an answer, Mr. Libonati agreed that  
15 his client Alfonso Quintana would participate in the mediation in this case.

16 5. However, during the course of preparing the Joint Case Management Statement  
17 and discussion of mediation, Maureen E. McFadden, the counsel for defendants Jose Arteaga and  
18 Amador Arteaga, first learned of Mr. Libonati's intended representation of defendant Quintana,  
19 and raised a potential conflict of interest issue. Mr. Libonati elected to withdraw from this case  
20 on September 5, 2006.

21 6. On July 7, 2006, the Court referred this case to the Court's ADR program for  
22 mediation, setting the deadline for completion of ADR on September 6, 2006. On July 27, 2006,  
23 Teresa V. Carey was appointed as mediator.

24 6. Given the withdrawal of defendant Quintana's counsel, it is not practical to  
25 complete the mediation by the current deadline. As such, parties respectfully request that the  
deadline to complete ADR be continued until November 30, 2006.

1 Dated: September 5, 2006

DAL BON & WANG

2 By: /s/ ADAM WANG  
Adam Wang  
3 Attorney for Plaintiffs

4 Dated: September 5, 2006

THELEN REID & PRIEST LLP

5 By: /s/ Daniel Muller  
Daniel J. Muller  
6 Attorneys for Defendants  
Arteaga's Starlite Supermarket, Juan  
7 Arteaga & Engelberton Arteaga

8 Dated: September 5, 2006

MAUREEN E. McFADDEN

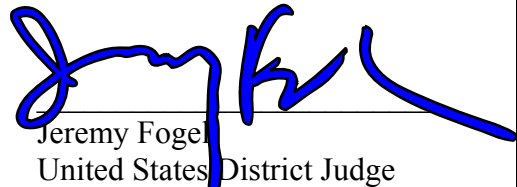
9 By: /s/ MAUREEN E. McFadden  
Maureen E. Mcfadden  
10 Attorney for Defendants  
Jose Arteaga & Amador Arteaga  
11

12  
13  
14 [PROPOSED] ORDER

15 Pursuant to party's stipulation, IT IS HEREBY ORDERED that parties shall participate  
16 in the Court sponsored mediation to be completed by November 30, 2006.

17 IT IS SO ORDERED.

18 Dated: September 8, 2006

19   
Jeremy Fogel  
United States District Judge